REMARKS

Claims 1-15 are pending in this application. By this Amendment, claims 1, 5, 6 and 12-14 are amended. Support for the amendments may be found, for example, in the present specification at page 4, lines 6-8, page 9, lines 4-7 and page 4, lines 14-25. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Claims 5 and 15 are rejected under 35 USC § 112, 2nd paragraph, as being indefinite. Withdrawal of the rejection is respectfully requested in view of the amendment to claim 5 set forth above.

Claims 1-14 are rejected under 35 USC § 103(a) as being unpatentable over Applicants' allegedly admitted prior art, in view of Kunugi et al. (US 4,739,513) ("Kunugi"). Applicants respectfully traverse the rejection.

The cited references do not support the rejection for at least the reason that they fail to disclose or suggest "a simulator ... simulating acoustic properties of at least a head of a human being, the simulator comprising a simulated human ear ... with an orifice in the simulated head and a sound source ... in the simulator ... for outputting the acoustical volume velocity Q through the orifice, so as to generate a sound field around the simulator that simulates a sound field around a human being," as recited in independent claim 1.

Applicants respectfully disagree that the present specification discloses "outputting the acoustical volume velocity Q through the orifice" as being prior art, as alleged in the Office Action. In particular, the passage cited in the Office Action (i.e., page 2, lines 5-27) merely describes that an acoustical transfer function between a sound source and a point of measurement is the same both for forward and reverse transmission. This passage continues to discuss that the acoustic transfer function is unaffected if the transmission *through a structure* is reversed. This discussion of the properties of the acoustical transfer function

does not disclose as prior art a method in which the acoustic volume velocity is output *through an orifice*, let alone the orifice of a simulated head. The specification continues on page 2 by stating that "it is known to use this fact when analyzing the transmission of sound, whereby a sound source is placed in a position that is normally occupied by a human being, i.e., a 'listening position'...." Importantly, this passage merely discusses the positioning of the sound source in the listening position, but does not discuss outputting the acoustic velocity *through an orifice*.

Hence, neither Applicants' allegedly admitted prior art, nor Kunugi, disclose or suggest the above-noted features recited in claim 1.

In particular, Kunugi discloses a very different set-up, where the loudspeakers (11L, 11R) are positioned outside and remote from the dummy mannequin (5-12) which simulates a human being (col. 11, lines 44-55), and the dummy mannequin includes microphones (5-13L and 5-13R). Therefore, in the set-up disclosed by Kunugi, microphones inside the dummy measure the sound received at the listening position from the remote loudspeakers. This is in contrast to the subject matter of claim 1, where a sound source in the simulator for simulating acoustic properties of at least a head of a human being outputs sound through an orifice and where a response quantity resulting from the output sound is measured at a first position.

Applicants assume that the obviousness rejection asserted in the Office Action is based on an interpretation where the room (A) shown in FIG. 19 of Kunugi is equated with the simulator for simulating acoustic properties of at least a head of a human being, as recited in the present claims. If so, Applicants respectfully submit that such an interpretation is incorrect for several reasons. First, the room (A) does not simulate acoustic properties of at least a head of a human being, as the room is in no way disclosed to have a shape, surface properties, etc., that would allow such simulation. Kunugi merely discloses a simulator (15-2) that is positioned in a room (A). Second, the loudspeakers 11R and 11L of Kunugi do not

output a sound velocity through an orifice of the simulated head (5-12) so as to generate a sound field around the simulator that simulates a sound field around a human being. The sound generated by the loudspeakers 11R and 11L enters the dummy through the simulated ears and is not output through the orifice, i.e., the sound does not leave the room (A) through any orifice. Consequently, the sound generated by the loudspeakers 11L and 11R generates a sound field in the room (col. 11, lines 41-42) rather than generating a sound field surrounding the room that simulates a sound field around a human being, as the sound generated from the loudspeakers 11R and 11L is neither described to leave the room A, nor to generate any sound field outside the room. Furthermore, Kunugi is completely silent regarding a sound source being incorporated in the dummy mannequin. Thus, the cited art in no way suggests a method where the sound source is in the simulator and outputs sound from the simulator through an orifice of a simulated ear, as recited in claim 1.

In light of the above, claim 1 is allowable over Applicants' allegedly admitted prior art and Kunugi. Moreover, claims 2-14 are likewise allowable for at least the reason that they depend on claim 1, as well as for the additional features they recite. Withdrawal of the rejection is therefore respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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JAO:WEC/axl

Attachment:
Petition for Extension of Time

Date: September 5, 2007

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